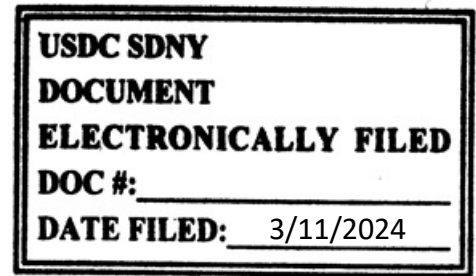




THE CITY OF NEW YORK  
LAW DEPARTMENT  
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NEW YORK, N.Y. 10007

HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel



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March 8, 2024

**VIA ECF**

Honorable Stewart D. Aaron  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: John Hop Wah v. Adeyemi Adebola et al.  
23-CV-1420 (LGS) (SDA)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the defense of the above-referenced matter.<sup>1</sup> The undersigned writes to respectfully request: (1) an adjournment of the initial pretrial conference currently scheduled for March 19, 2024 at 11 a.m. to a date and time convenient for the Court after the defendants in this case have both been properly served and respond to the amended complaint; and (2) a corresponding extension of time to file the proposed case management plan, which must be submitted one week before the conference in accordance with the Court's January 9, 2024 Order. See ECF No. 34. This is the second request of this kind and Mr. Nandlall attempted to reach *pro se* plaintiff John Hop Wah for his consent, but was unable to make contact with him prior to submitting this letter.

By way of relevant background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging, *inter alia*, false arrest and malicious prosecution arising from his arrest on or about December 16, 2011. See ECF No. 2. Plaintiff names former District Attorney (DA) Cyrus Vance, Assistant District Attorney (ADA) Kelli Clancy, Investigator Mark Duggan, Adeyemi

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<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Randy Nandlall, who is awaiting admission to the New York Bar. Mr. Nandlall is handling this matter under my supervision and may be reached at (212) 356-2356 or rnandlal@law.nyc.gov.

Adebola, M.D. Vasili Karlis, ADA Aaron M. Ginandes, DA Alvin Bragg, and Cordell Crosby as defendants in this action. See ECF No. 2. On August 9, 2023, the Court dismissed defendants Vance, Bragg, Zaleta, Ginandes, Clancy, Duggan, and Karlis and directed service on defendants Adebola and Crosby. See ECF No. 8. On December 4, 2023, the Court ordered the U.S. Marshals Serve to affect service on the two remaining defendants, Adeyemi Adebola and Cordell Crosby. See ECF No. 21. Defendant Cordell Crosby was served on December 28, 2024 and on January 8, 2024, the undersigned requested that the court *sua sponte* grant defendants Crosby and Adebola an extension of time to respond to the complaint until March 18, 2024, assuming they are each properly served, and a corresponding adjournment of the January 10, 2024 initial conference to a date and time convenient for the court after March 18, 2024. See ECF Nos. 28, 30. On January 8, 2024, the Court granted the undersigned's request and the initial conference was adjourned to March 19, 2024 at 11 a.m. See ECF Nos. 32, 34.

Following several unsuccessful service attempts by the U.S. Marshals Service to effectuate service on defendant Adebola, on February 5, 2024, Your Honor ordered the U.S. Marshals Service to mail a request for a waiver of service to defendant Adebola and to complete and file a USM-285 at two separate intervals, "(1) when the waiver of service paperwork is mailed, and (2) when Acknowledgment of Receipt of Summons and Complaint is received, but no later than 30 days after the waiver of service paperwork is mailed." See ECF No. 40. On February 7, 2024 the U.S. Marshals Service filed a USM-285 indicating that a summons and complaint was mailed to defendant Adebola on February 7, 2024. See ECF No. 43. To date, there has not been any indication that the request for a waiver of service was returned by defendant Adebola, as such, upon information and belief, service has not yet been effectuated on purported defendant Adebola. With respect to defendant Crosby, on February 5, 2024, Your Honor ordered that his deadline to answer or otherwise respond to the Amended Complaint is adjourned *sine die*. See ECF No. 40.

Therefore, as defendant Adebola has not yet been served in this matter, defendant Crosby's deadline to respond to the complaint is currently adjourned *sine die*, and this Office has not determined representation of either defendant Adebola or defendant Crosby, the undersigned respectfully requests that the Court grant: (1) an adjournment of the initial pretrial conference currently scheduled for March 19, 2024 at 11 a.m. to a date and time convenient for the Court after the defendants in this case have both been properly served and respond to the amended complaint; and (2) a corresponding extension of time to file the proposed case management plan required to be filed in advance of the initial conference.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Inna Shapovalova

Inna Shapovalova

Senior Counsel

Special Federal Litigation Division

cc: **VIA FIRST-CLASS MAIL**  
John Hop Wah  
*Plaintiff pro se*  
212 Hegeman Ave., Apt. #4A  
Brooklyn, NY 11434

The New York City Law Department's, Office of the Corporation Counsel ("Corporation Counsel"), letter motion to adjourn the conference and request to extend the time to file a proposed case management plan at ECF No. 49 is GRANTED IN PART and DENIED IN PART. The parties shall appear (via telephone) for the conference scheduled for March 19, 2024, at 11:00 a.m., to discuss the status of this case. The parties shall not be required to meet-and-confer in accordance with Rule 16 of the Federal Rules of Civil Procedure and shall not be required to file a proposed case management plan as provided by my Individual Practices. Further, for avoidance of doubt, Defendant Crosby's time to answer or otherwise to the Complaint remains adjourned *sine die*, and will also be addressed during the forthcoming conference (including, the status of whether he will be represented by the Corporation Counsel. (See City 01/08/2024 Ltr., ECF No. 30, at 2 ("this Office must determine whether it will represent defendant Crosby in this action").)

SO ORDERED.

Dated: March 11, 2024

A handwritten signature in blue ink, appearing to read "Stuart J. Aaron".